

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN STEIN,

Defendant.

Case No. 05-cr-40033-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant Ryan Stein's *pro se* Motion for Transcripts (Doc. 312).

Defendants have no constitutional right to a complimentary copy of any document in their court files. *See United States v. Groce*, 838 F. Supp. 411, 413, 414 (E.D. Wis. 1993). Before providing copies free of charge, a district court may require the requestor to show: (1) that he has exhausted *all* other means of access to his files (*i.e.*, through his trial and appellate counsel); (2) that he is financially unable to secure access to his court files (*i.e.*, through a showing similar to that required in 28 U.S.C. § 1915(a)(2), which includes a certified copy of the prisoner's trust account for the six-month period prior to filing); and (3) that the documents requested are necessary for the preparation of some specific non-frivolous court action. *See United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir. 1980); *Rush v. United States*, 559 F.2d 455, 459 (7th Cir. 1977); *Groce*, 838 F. Supp. at 413-14. The Court explicitly informed Stein of these requirements in its Memorandum and Order (Doc. 305) of April 30, 2009, wherein the Court denied Stein's original request for transcripts but granted leave to refile a similar motion.

Here, Stein has yet to prove to the Court that he is financially unable to obtain access to

his court files. Although Stein filed the requisite financial affidavit (Doc. 313), he has yet to file a certified copy of his prisoner trust account with the Court. This documentation is not discretionary but mandatory under § 1915(a)(2). The Court has already made clear its expectations if Stein is to receive the transcripts pertaining to his criminal convictions. Accordingly, the Court **DENIES** the instant motion (Doc. 312) but grants Stein leave to refile a motion meeting the aforementioned requirements.

IT IS SO ORDERED.

DATED: November 5, 2009.

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE